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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,270	01/18/2001	William Gross	IDEALAB.001A	6161

56020 7590 02/08/2007
BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
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CHICAGO, IL 60610

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/765,270

Applicant(s)

GROSS, WILLIAM

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 18-36 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-11,15-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

Newly submitted claims 23-36 are directed to species distinct from the invention originally claimed for the following reasons: the species which was presented originally and acted on its merits is that drawn to claim 14 is directed to the species of ranking by referrals and does not include the features of claims 23-36.

Since applicant has received an action on the merits for the originally presented invention/species, the species of claim 14 has been elected by original presentation for prosecution on the merits. Accordingly, claims 23-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier, Muret et al and Kirsch.

Gauthier, Muret, et al and Kirsch together teach a method of operating a ranking website affiliated with a first entity to rank hyperlinks to websites affiliated with at least one on-line vendor, wherein each hyperlink has associated with it a revenue estimated to be generated for the first entity by a user interacting with the website of the hyperlink.

Gauthier discloses estimating, with the ranking website (proxy is read as the ranking web site), a first click likelihood (via click stream monitoring) that corresponds to the likelihood that a user will click on a website affiliated with an on-line vendor (profiler 114 generates selected advertisements based on user's internet behavior col. 5 lines 1-2) ;

Gauthier also discloses estimating, with the ranking website, a first purchase likelihood that corresponds to the likelihood that the user will purchase an item offered on the website associated with the first website (user visiting golf site is more likely to be buying a golf product than another sport product site which he /she has not visited;

But Gauthier does not appear to teach the use of the purchased likelihood to generate estimate of revenue from the click stream data and commissions and then rank the websites based on revenues.

Muret et al. disclose calculating an estimated first click revenue using the first click likelihood and a fee to be received by the first entity when the user clicks on the first website (see cols.23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to key words (products) and hence such correlation is deemed an indicator or an estimation of the likelihood that someone from will purchase a given item);

calculating, with the ranking website, an estimated first purchase commission revenue using the first purchase likelihood and a commission to be received by the first entity when the user purchases the item offered on the website associated with the first hyperlink (see cols. 23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to browsers and hence such correlation is deemed an indicator or an estimation of the likelihood that a given referral e.g. browser will generate a given amount in commissions, inherent to any browser e-commerce relationship is the commission based on e-commerce sales); and

comparing the estimated revenues associated with a plurality of websites and ranking, with the ranking website, the first site relative to another site so as to increase income received by the first entity; and displaying to the user a higher ranking website before a lower ranking website (see Muret et al. col. 29 lines 5-16 top products report ranks e.g.

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comparing by numeric adjustment ranking by revenues and see col. 27 lines 44-53 ranking of which website pages are most visited).

It would be obvious to modify Gauthier et al to use the click stream data to estimate revenue from potential purchases and commissions and then rank the websites based on revenues the motivation being that by monitoring return on investment to create greater returns (Muret et al. see, ABSTRACT).

Gauthier et al. fail to teach click stream monitoring of hyperlinks. However, Kirsch discloses web page 24 which embeds hyperlinks 26,28,30 and 32 and tracks the user of the hyperlink. It would be obvious to modify the method of Gauthier to use hyperlinks of Kirsch rather than web pages to connect to a given address the motivation being the ease of linking to an address by simply clicking rather than typing in an address.

Re claim 13: this claim differs from claim 12 to the extent that it merely repeats the steps of claim 12 but causes a comparison between websites rather than the referral histories. It is an obvious variant of Muret et al to track either the website or the referring browser to determine the likelihood of one or the other leading to a sale because each is within the click stream of Gauthier.

Claims 12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier and Muret et al.

Re claim 14: Gauthier et al. disclose a method of operating a website having a ranking module (100) affiliated with a first entity that ranks referrals to at least one on-line vendor, wherein each referral has associated with it a revenue estimated to be generated for the first entity by a user interacting with the referral, the method comprising:

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estimating a first click likelihood that corresponds to the likelihood that a user will click on a first referral to an on-line vendor; Gauthier discloses estimating, with the ranking website (proxy is read as the ranking web site), a first click likelihood (via click stream monitoring) that corresponds to the likelihood that a user will click on a website affiliated with an on-line vendor (profiler 114 generates selected advertisements based on user's internet behavior col. 5 lines 1-2) ;

Muret et al. disclose calculating an estimated first click revenue using the first click likelihood and a fee to be received by the first entity when the user clicks on the first referral; (see, Muret et al., cols. 23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to browsers and hence such correlation is deemed an indicator or an estimation of the likelihood that a given referral e.g. browser will generate a given amount in commissions based on the likelihood of a user purchasing an item from a given browser, inherent to any browser e-commerce relationship is the commission based on e-commerce sales);

estimating a first purchase likelihood that corresponds to the likelihood that the user will purchase an item mentioned in the first referral; (see Muret et al. cols.23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to key words (products) and hence such correlation is deemed an indicator or an estimation of the likelihood that someone from will purchase a given item);

calculating an estimated first purchase commission revenue using the first purchase likelihood and a commission to be received by the first entity when the user purchases the item mentioned in the first referral; (see, Muret et al, cols. 23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to browsers and hence such correlation is deemed an

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indicator or an estimation of the likelihood that a given referral e.g. browser will generate a given amount in commissions based on the likelihood of a user purchasing an item from a given browser, inherent to any browser e-commerce relationship is the commission based on e-commerce sales);

estimating a second click likelihood that corresponds to the likelihood that the user will click on a second referral to an on-line vendor; (see Muret et al. col. 25-26 referral field tracks referrals by browser and in col. 26 lines 8-22 a ranking of browsers whose users spend the most money in e-commerce)

calculating an estimated second click revenue using the second click likelihood and a fee to be received by the first entity when the user clicks on the second referral; (see, Muret et al, cols. 23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to browsers and hence such correlation is deemed an indicator or an estimation of the likelihood that a given referral e.g. browser will generate a given amount in commissions based on the likelihood of a user purchasing an item from a given browser, inherent to any browser e-commerce relationship is the commission based on e-commerce sales);

estimating a second purchase likelihood that corresponds to the likelihood that the user will purchase an item mentioned in the second referral; (see Muret et al. cols.23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to key words (products) and hence such correlation is deemed an indicator or an estimation of the likelihood that someone from will purchase a given item);

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calculating an estimated second purchase commission revenue using the second purchase likelihood and a commission to be received by the first entity when the user purchases the item mentioned in the second referral; (see, Muret et al, cols. 23- 26 an amount of money can be associated with each entry of a referral table and col. 26 lines 23-30, the system can correlate money to browsers and hence such correlation is deemed an indicator or an estimation of the likelihood that a given referral e.g. browser will generate a given amount in commissions based on the likelihood of a user purchasing an item from a given browser, inherent to any browser e-commerce relationship is the commission based on e-commerce sales);

comparing the estimated revenues associated with a plurality of referrals and ranking with the ranking module the first referral relative to the second referral so as to increase income received by the first entity, wherein an estimated revenue associated with a referral includes the estimated click revenue and the estimated purchase commission revenue for the referral (see, Muret et al. col. 29 lines 5-16 top products report ranks e.g. comparing by numeric adjustment ranking by revenues and see col. 27 lines 44-53 ranking of which website pages are most visited and col. 28, lines 15-24, search engine report ranks most used browsers); and

displaying the first referral and the second referral at positions on a website according to their ranking such that the user is more likely to click on a referral having a higher rank than to click on a referral having a lower rank (col. 28, lines 15-24, search engine report ranks most used browsers which inherently indicates which browser is more likely to be used than another, the report can be displayed as an inherent feature of any computer system).

It would obvious to modify Gauthier et al to use the click stream data to estimate revenue from potential purchases and commissions by referrals based on referral


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history the motivation being that by monitoring return on investment to create greater returns (Muret et al ABSTRACT).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.


JOSEPH A. FISCHETTI
PRIMARY EXAMINER
Joseph A. Fischetti
Primary Examiner
Art Unit 3627

US-PAT-NO: 6993590

DOCUMENT-IDENTIFIER: US 6993590 B1

See image for Certificate of Correction

TITLE: Method of creating data streams for user-specific usage
data gathering systems

----- KWIC -----

Brief Summary Text - BSTX (5):

Useful knowledge can be interpreted from the user-specific usage data to support and provide direction for e-business decisions. For example, the data can be mined for user profiles, subsequently used by businesses to customize their on-line advertisements of services and products to targeted segments of consumers. Other uses include but are not limited to customizing a user's interaction with a web site based on the user's profile. To illustrate, assume user G visits the Acme Book company web site, and the profile of user G indicates that G is an avid golfer, then Acme Book company may choose to send G a customized web page to include a list of books on the subject of golf. Still other uses of user profiles include but are not limited to sending political campaign advertising, public service announcements, or other solicitations to target segments of Net users.

Current US Cross Reference Classification - CCXR

(1):

705/1

Current US Cross Reference Classification - CCXR

(2):

705/10